

**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS**

GERALDINE FAVALORO, for herself and on
behalf of all others similarly situated,

Plaintiff,

vs.

Case No. 05-11594 RCL
Honorable Reginald C. Lindsay

PRESIDENT AND FELLOWS OF HARVARD
COLLEGE, BAYVIEW CREMATORY, LLC,
a New Hampshire Limited Liability Company,
LINDA STOKES, TRUSTEE OF THE DEKES
REALTY TRUST OF 107 SOUTH BROADWAY,
LAWRENCE, MASSACHUSETTS, and JOHN J.
GENTILE,

Defendants.

**PLAINTIFF, GERALDINE FAVALORO'S, MOTION FOR VOLUNTARY DISMISSAL,
WITH PREJUDICE**

Plaintiff, Geraldine Favaloro ("Ms. Favaloro"), by and through her undersigned counsel, pursuant to F.R.C.P. 41, moves this Honorable Court for entry of an order dismissing the above-styled action as to the remaining Defendants, Bayview Crematory, LLC, a New Hampshire Limited Liability Company ("Bayview") and Linda Stokes, Trustee of The Dekes Realty Trust of 107 South Broadway, Lawrence, Massachusetts ("Stokes, Trustee"), with prejudice. In support of this Motion, Ms. Favaloro asserts:

1. Pursuant to Local Rule 7.1, Ms. Favaloro has previously requested that the Defendants, Bayview and Stokes, Trustee join in a stipulation for dismissal of this action, without prejudice pursuant to Rule 41 (a) (1) (ii). Counsel for all those Defendants declined to join in the requested stipulation for dismissal, unless the dismissal is with prejudice.

2. Ms. Favaloro has previously moved for dismissal without prejudice, and all Defendants, even those who are not longer parties to these proceedings, opposed such dismissal.

3. Ms. Favaloro now seeks dismissal of the claims against Bayview and Stokes Trustee, with prejudice. No counterclaim has been asserted against Ms. Favaloro. In this situation, dismissal with prejudice under Rule 41 should properly be granted.

WHEREFORE, Geraldine Favaloro respectfully requests that this Honorable Court enter its order dismissing this cause as to the remaining Defendants, Bayview Crematory, LLC, a New Hampshire Limited Liability Company and Linda Stokes, Trustee of The Dekes Realty Trust of 107 South Broadway, Lawrence, Massachusetts, with prejudice.

Dated this 4th day of December, 2006.

/s/ David H. Charlip
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Certificate of Service

I HEREBY CERTIFY that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on this 4th day of December, 2006.

/s/ David H. Charlip
David H. Charlip